

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAYMOND A. ORTEGA,

Petitioner,

v.

Civ. No. 15-0473 JCH/GBW

FOURTH JUDICIAL DISTRICT
COURT, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

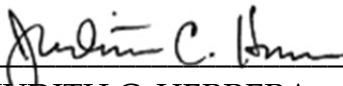
This matter is before the Court on Petitioner's petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (*doc. 1*) and Respondents' Answer (*doc. 7*). Petitioner claims that New Mexico State District Judge Matthew J. Sandoval displayed bias and prejudice against him, by dismissing his motion to amend judgment and his petition for a writ of habeas corpus, for the improper purpose of inducing him to abandon his claims. Petitioner further faults Judge Sandoval's failure to specify the underlying legal basis for the denial of his state habeas petition.

The Magistrate Judge filed his Proposed Findings and Recommended Disposition (PFRD) on October 29, 2015. *Doc. 13*. He recommended dismissing the sole claim because "[g]iven the utter lack of evidence of bias, Judge Sandoval's conduct in dismissing Petitioner's motion to amend judgment and sentence and his state habeas

corpus petition did not constitute a denial of [Petitioner's] constitutional due process rights." *Doc. 13* at 8.

Petitioner has filed no objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, it is hereby ordered that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 13*) is adopted. Petitioner's claim regarding Judge Sandoval's bias against him is dismissed with prejudice.



JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE